IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 35718 of 2007(B)

PETITIONER:

DR.V.P.MOHAMMED ASHRAF, AGED 55 YEARS,
DAYA HOSPITAL, PATHAPIRIYAM, EDAVANNA,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS:

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1. THE ASSISTANT ENGINEER, ELECTRICAL SECTION, K.S.E.B, EDAVANA, MALAPPURAM DISTRICT.

2. THE KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS CHAIRMAN, VYDHUTHI BHAVAN, THIRUVANANTHAPURAM.

3. THE DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE, MANJERI.

4. THE EXECUTIVE ENGINEER, K.S.E.B., ELECTRICAL DIVISION, NILAMBUR.

BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.35718 of 2007

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Dated this the 3rd day of December, 2007.

JUDGMENT

The petitioner's case is that pursuant to direction issued by this court vide Ext.P5 judgment, the Chairman of KSEB granted some relief to the petitioner i.e. by ordering the lower authority to treat only half the consumption as unauthorised load because out of 20 KW only 10 KW was unauthorised. Standing Counsel pointed out that vide Ext.P12 the petitioner has been given the reliefs. However, it is seen that Ext.P12 only refers to Deputy Chief Engineer's order against which Chairman passed Ext.P6 order on 6.3.2006. In the circumstances, I direct the first respondent to modify the demand based on Ext.P6 order of the Chairman and recover only the actual balance dues after crediting payments and without surcharge. The petitioner will produce copy of this judgment before the first respondent for compliance.

C.N.RAMACHANDRAN NAIR
Judge

pms